

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

MARY LOUELLA KRUEGER

Plaintiff,

ORDER TO TRANSFER

v.

12-cv-626-wmc

GENIVA KELLMAN, *et al.*,

Defendants.

---

Plaintiff Mary Louella Krueger has filed a civil rights complaint under 42 U.S.C. § 1983, concerning her confinement in the Florida Department of Corrections. Krueger alleges that various officials at the Lowell Correctional Institution failed to protect her from harm and that she was housed under cruel and unusual conditions. After reviewing all of the pleadings, this Court concludes that the complaint must be transferred for reasons set forth briefly below.

The Lowell Correctional Institution, where Krueger is presently incarcerated and the defendants also can be found, is located in Ocala, Florida. Ocala is within Marion County, which is located in the Middle District of Florida. *See* 28 U.S.C. § 89(b). Because neither the parties nor the alleged civil rights violations have any connection to Wisconsin, this court is not the proper venue or location for Krueger's complaint. *See* 28 U.S.C. § 1391(b).

Where a party has filed a case in an improper forum, a district court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a). A district court has "broad discretion" in deciding whether to dismiss or transfer a case for improper venue under § 1406(a). *Cote v.*

*Wadel*, 796 F.2d 981, 985 (7th Cir. 1986); *see also Caldwell v. Palmetto State Savings Bank of South Carolina*, 811 F.2d 916, 919 (5th Cir. 1987) (observing that a district court may transfer a case on its own motion under § 1406, and has broad discretion in deciding to do so). So that Krueger may pursue her claims in the proper forum, the court concludes that the interest of justice would be served by transferring his case to the Middle District of Florida, where the claims accrued and where the defendants are located.

ORDER

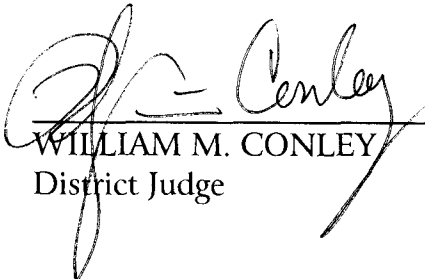
IT IS ORDERED THAT:

1. The Clerk of Court shall TRANSFER this case to the United States District Court for the Middle District of Florida pursuant to 28 U.S.C. §§ 1391(b), 1406(a).
2. The motion for leave to proceed *in forma pauperis*, dkt. # 2, is DENIED at this time without prejudice to reconsideration after the transfer.

The clerk of court will provide a copy of this order to the plaintiff.

Entered this 10<sup>th</sup> day of January, 2013.

BY THE COURT:

  
WILLIAM M. CONLEY  
District Judge